SIKKIM

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GOVERNMENT OF SIKKIM
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK

No. 11(656)L&PAD/2021/32 **Dated: 16.01.2026**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 17th day of December, 2025 is hereby published for general information:-

THE SIKKIM SEWERAGE AND SEWAGE DISPOSAL ACT, 2025

(ACT NO 20 OF 2025)

AN

ACT

to provide for the regulation of Sewerage and the disposal of sewage and address matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Sikkim in the Seventy-sixth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Sikkim Sewerage and Sewage Disposal Act, 2025.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force on the date of its publication in the Official Gazette.

Definitions

2. (1) In this Act, unless the context otherwise requires,-

(a) "Cess pool" includes a settlement tank or other tank to receive or dispose of foul matters from any premises;

(b) "Competent Authority" means the Principal Chief Engineer-cum-Secretary to the Government of Sikkim in the Public Health Engineering Department of the Government of Sikkim or any other officer authorised by him on his behalf;

(c) "Department" means the Public Health Engineering Department in the Government of Sikkim;

(d) "Drain" means a sewer, tunnel, pipe, ditch, gutter or channel or any cistern, flush tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water or sub-soil water and includes any culvert, ventilation-shaft or pipe or other appliances or fittings connected with such drain, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(e) "Government Sewer main" means any pipe or system of pipes along with all fittings thereto laid by the State Government by means of which Sewage is transported from any premises to its final disposal point;

(f) "Local Authority" means any Government Department, Union Government, Government Organisations or Municipal Corporation or municipality, Panchayat or any other authority legally entitled to own, control and manage land within its jurisdiction;

(g) "Occupier", in relation to any premises, means the following, namely: -

  (i) any person for the time being paying or liable to pay rent or any portion thereof to the owner in respect of those premises; or

  (ii) an owner who is in occupation of those premises; or

  (iii) a tenant of those premises who is exempted from payment of rent; or

  (iv) a licensee who is in occupation of, those premises; and

  (v) any person, who is liable to pay damages to the owner in respect of use and occupation of those premises;

(h) "Other Officers" means any officer designated by Principal Chief Engineer-cum-Secretary to the Government of Sikkim in the Public Health Engineering Department;

(i) "Owner" in relation to any premises, means the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let out and includes, -

  (i) an agent or trustee who receives the rent on account of the owner; or

  (ii) an agent or trustee who receives the rent of, or is entrusted with the management of any premises devoted to religious or charitable purposes;

(iii) a receiver or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of the said premises; and

(iv) a mortgagee in possession.

(j) "premises" means any land and/ or building or any part thereof;

(k) "prescribed" means prescribed by rules under this Act;

(l) "Principal Chief Engineer-cum-Secretary" means the Principal Chief Engineer-cum-Secretary to the Government of Sikkim in the Public Health Engineering Department;

(m) "rules" means rules made under this Act;

(n) "sewage" means night-soil and other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables and other like places and includes trade effluent;

(o) "sewer" means closed or open conduit for carrying sewage, offensive matter, polluted water; waste water, or sub-soil water;

(p) "sewerage" means a system of collection of waste water from community from its houses, institutions, industries and public places, pumping, treatment, utilization and disposal of such waste water, its effluent, sludge, gas and; other products;

(q) "Trade Effluent" means any liquid either with or without particles, of matters in suspension or dissolved therein; which is wholly or in part produced or discharged in the course of any trade or industry, including agriculture and horticulture, but it does not include domestic sewage; and

(r) "User" means any person getting the benefit of any sewerage service from the Department.

(s) "sewerage works" or "sewerage system" or "sewer mains" means a tank, pump, reservoir, cistern, duct, valves, pipes, culverts, hydrant, machinery, land, road, footpath, building, walls, chambers, anchor blocks, thrust blocks, man hole covers, things or any work appurtenant or incidental used in sewer system for the purpose of providing or maintaining the sewer network and sewage treatment plant, as the Government may, by notification, specify.

(2) Unless the context otherwise requires, the words importing the masculine gender shall include the feminine gender, words importing the singular shall include the plural and the words beginning with capital letters shall have the same meaning as may be written in small letters, and vice versa.

Inspection of Public drains vest in the Department

3. (1) The following shall vest in the Department, -

(a) Inspection of all public drains, all drains alongside or under any public street including those constructed alongside the National Highways declared as such under the National Highways Act, 1956;

(b) All sewage disposal works whether constructed by the Department or otherwise, and all works, materials and things appertaining thereto;

(2) For the purpose of enlarging, deepening or otherwise repairing, maintaining any such drains or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purposes shall be deemed to vest in the Department.

(3) All drains and ventilation-shafts, pipes, all appliances and fittings connected with the sewerage, drainage works constructed or erected or set up by the Departments fund or on premises not belonging to the Department, whether, -

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises, unless the Department has otherwise determined shall vest, and be deemed always to have vested in the Department.

Right of owner or occupier to obtain Sewer Connection

4. The owner or occupier of any premises shall be entitled to empty the sewage of the premises into the Government Sewer main:

Provided that before doing so, he obtains a connection from the department upon payment of the prescribed connection fee and any other charges as may be determined and complies with such other conditions as may be specified.

Charges for Sewerage Services

5. The Government may, from time to time, by notification, fix the rate or rates of charges for sewerage services based on the number of connection points, number of lavatories, size of house connections or quantity of sewage flow as assessed by the Department.

Mandatory Sewer Connection for Premises Near Government Sewer Mains

6. Where any premises are, in the opinion of the Department, without sufficient means for effective disposal of sewage and the Government Sewer main is situated within distance of not more than 1 (one hundred) meters from any part of the premises, the Department may, by written notice, require the owner of the said premises have a sewer connection.

Power to lay or carry out sewer lines

7. The Government may lay or carry any sewer lines for the purpose of establishing or maintaining a sewerage system, through, across, under or over any land or road or street or a place laid out as, or intended to be laid out as, a road or street or any other places under the control of a local authority or any person or entity and at all times do all acts and things which may

be necessary or expedient for establishing or repairing or maintenance of such sewer system to restore it in an effective state:

Provided that, such work shall be carried out with least annoyance to the public and completed within a reasonable timeframe:

Provided further that, reasonable compensation as may be determined by the competent authority as established by Law shall be paid to the owner or the local authority, as the case may be, for any damage sustained by him or it, directly occasioned by carrying out of any such operations:

Provided also that, the competent authority shall ensure that a written notice,of not less than 7 (seven) days is served to the owner or the local authority, as the case may be, before commencing of any operations under this section except in cases where immediate action is considered necessary, then, the competent authority may, by order, and for reasons to be recorded in writing, dispense with the issue of such 7 (seven) days' notice.

Prohibition of connection with Sewer Mains

8. No person shall without the written permission of the Competent Authority make or cause to be made any connection or communication with any Government Sewer main.

Prohibition of construction of street or building over sewer without permission

9. No person shall without the written permission of the Competent Authority, construct any private street, buildings or other structure on any Government Sewer main.

Prohibition of certain acts affecting sewerage works

10. No person shall, -

(1) wilfully obstruct any person acting under the authority of the Department in setting out the lines of any work or pull up or remove any pillar, post or stay fixed in the ground for the purpose of setting out the lines of such sewerage works or deface or destroy any work made for the said purposes; or

(2) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, valve, pipe or other sewerage works or apparatus belonging to the Department; or

(3) unlawfully obstruct the flow of or flush, draw off, divert or take sewage line from any sewerage works belonging to the Department; or

(4) obstruct any officer or staff of the Department in the discharge of his duties and function under this Act and the rules made hereunder or refuse or wilfully neglect to provide him with the necessary means for the making of any entry, inspection, examination or inquiry thereunder in relation to sewerage works.

Damages, Repairs

11. (1) All sewerage works shall be kept in proper order as may be necessary at the expenses of the person requiring such services but shall remain under the control of the Government.

(2) When under the provisions of this Act any person by omission or commission damages the sewerage works, he shall be liable to repair the same. The Department may in accordance with the provisions of this Act and any rules made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(3) The expenses incurred or likely to be incurred by the Department in the execution of any such work shall be payable by the said person and the expenses incurred by the Department in connection for such work shall be payable by the person or persons who have caused such damages.

(4) The expenses under sub-section (3) shall be as determined by the competent authority, whose written certificate shall be final and binding and recoverable from the person or persons liable thereof as an arrear of sewerage charge payable under this Act.

Power to affix shafts for the ventilation of sewers or cess pools

12. The Department may, for the purpose of ventilating any sewer or cess pool, whether vested in the Department or not, erect upon any premises or affix to the outside of any building, or to any tree, any shaft or pipe as may appear to it to be necessary.

Power to examine and test sewer etc. believed to be defective

13. (1) Where it appears to the Department that there are reasonable grounds for believing that a private sewer or cess pool is in such condition to be prejudicial to public health or to be a nuisance or that the private sewer communicating directly or indirectly with a Government sewer main is so defective as to admit sub-soil water or grit or other materials, the Department may examine its condition and for that purpose, may apply any test, and if it deems it necessary, open the ground.

(2) If on examination, the sewer or cess pool is found to be in proper condition, the Department shall, as soon as possible, reinstate any ground which has been opened by it.

Maintenance of Private sewers and Cesspools

14. If upon examination or inspection, any private sewer or cess pool is found to be defective or otherwise improper condition, the Department may, as it deems necessary, direct the owner, to undertake required remedial measures, so as to ensure that the condition is made conducive to public health within a stipulated time. If the owner fails to do so, the Department may, take up the work by providing manpower and equipment as required, and all expenses incurred shall be recoverable from the owner as may be prescribed.

Power of entry, survey etc.,

15. (1) Any authorized officer of the Department shall have the power to enter any premises for the following purposes:-

(a) to make any inspection, survey, measurement, valuation or inquiry;

(b) to establish or maintain the sewerage system;

(c) to dig or bore into the sub-soil including lay the sewer pipes and its appurtenances;

(d) to set out the boundaries and the intended line of work;

(e) to make such levels, boundaries and lines by placing marks and cutting trenches; or

(f) to do any other thing necessary for the purpose of this Act or any rules made hereunder:

Provided that, in exercising the powers under this sub-section, the owner or the occupier of the premises shall be served with written notice prior to inspection. In the event of the owner's absence, notice shall be served by pasting it on the main entrance door of the premises.

(2) When any officer or staff is authorised to enter into or upon any premises in exercise of the authorised powers under sub-section (1), he may also enter in a similar manner into or upon any adjoining premise for any work authorised by or under this Act or for the purpose of depositing therein, any soil, grind stone or other materials or for obtaining access to such work or for any other purpose of depositing therein, any soil, grind stone other materials or for obtaining access to such work or for any other purpose connected with the execution of the same.

(3) It shall be lawful for any authorised officer or staff to make any entry into any place or cause to be opened any door, gate or other barrier,-

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or on being present refuses to open such door, gate or barrier.

Power to disinfect tanks, pool and wells

16. Any officer or staff authorised by the Department in that behalf may have any tank, pool or well, cleaned or disinfected after notice to the owner or occupier, if any, when it appears that such cleaning or disinfection will prevent or check the spread of any dangerous disease. The cost of cleaning or disinfection shall be recoverable by the Department from the owner or occupier of such tank, pool or well.

Certain matters not to be discharged in the public drain

17. (1) No person shall discharge, throw, empty, or turn into any public drain or into any drain communicating with public drain,-

(a) any matter likely to injure or damage the drain or interfere with the free flow of its contents, or affect prejudicially the treatment or disposal of its contents;

(b) any chemical, refuse or waste, steam, or any liquid of a temperature higher than 45(forty-five) degrees centigrade being refuse or steam which, or a liquid which when so heated, is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance or prejudicial to health; or

(c) any petroleum substances.

Explanation:- In this section, the expression "petroleum" shall have the same meaning as defined in the Petroleum Act, 1934 (30 of 1934).

Penalties

18. (1) Whoever contravenes the provisions of this Act or rules made hereunder or fails to comply with any other requisition lawfully made upon him under any of the said provision shall, on conviction, be punishable with imprisonment for a term which may extend to 3 (three) months or with fine which may extend to Ten thousand rupees or with both for the first offence.

(2) In the case of a repeat or continuing contravention or after first conviction, such repeat or continuing of contravention or failure shall be punishable with daily fine which may extend to one thousand rupees for every day during which such contravention or failure continues or with imprisonment for a term which may extend to 12 (twelve) months or both.

(3) Action taken under the Act or the rules made hereunder, against any person shall be without prejudice to any penalties to which he may otherwise be liable under any other Law.

(4) The payment of fine under this section shall not absolve the offender from paying the sewerage charges and the expenses of repair under sections 5, 11 and 14.

Offences by companies

19. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed and was responsible to the company for the conduct of its business, as well as the company itself shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be

deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purpose of this section,-

(a) "company" means anybody corporate, and includes a firm or other association of individuals; and

(b) "director" includes director of the company and in relation to a firm means a partner in the firm.

Power to arrest on commission of offence and refusing to give name and address

20. The Public Health Engineer or any officer authorised in this behalf by the Competent Authority may inform the nearest thana to depute any police officer who shall be equivalent to or higher than the status of a sub-inspector of police who may arrest any person where there is reason to believe that he has committed the offence under this Act.

Compounding of offences

21. (1) The Principal Chief Engineer-cum-Secretary or any other officer of the Department authorised by him either before or after the institution of proceedings for any offence punishable under this Act, accept from any person charged with such contravention, by way of composition of the contravene, such sum which the Government may, from time to time, by notification, specify or such other amount as he thinks proper.

(2) On payment of such sum no further proceedings shall be taken against the said person in respect of the same offence.

Cognizance of offence

22. No court shall take cognizance of any offence under this Act except on the complaint of the Department made within 6 (six) months next after the commission of the offence.

Appeal

23. (1) Any person aggrieved by an order issued by the officer authorized by the Principal Chief Engineer-Cum-Secretary, Public Health Engineering Department, Government of Sikkim, may file an appeal with the Principal Chief Engineer-Cum-Secretary. If the order is issued by the Principal Chief Engineer-Cum-Secretary, the appeal may be made to the Government.

(2) Any such appeal referred to in sub-section (1) must be filed within a period of 30 (thirty) days from the date of communication of the order:

Provided that the authority hearing the appeal may accept it even after the expiration of 30 (thirty) days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the prescribed timeframe.

(3) The appellate authority may, after giving the parties an opportunity of being heard, confirm, set aside or modify the order under appeal and the orders of the appellate authority on such appeal shall be final.

Revision

24. The Minister-in-Charge of Public Health Engineering Department, Government of Sikkim may, either on his own motion or upon an application made to him, at any time, for reasons to be recorded in writing, call for the record of any case disposed of by any authority under this Act and if in such case it appears to the Minister that any order passed should be modified, annulled or reversed, he may pass such order as he may deem fit not inconsistent with the provisions of this Act or the rules made thereunder and such order shall be final and shall not be called in question in any Court of law.

Protection of action taken in good faith and officers and employee of the Department deemed to be public servant

25. (1) No suit or prosecution or other legal proceedings shall be entertained in any court against the Department or against any officer or employee of the Department or against any person for any action done or purporting to be done or for acting under the order or direction of the Competent Authority or of any officer or of any employee of the Department for anything which is in good faith done or intended to be done under this Act or any rule or regulation, made hereunder.

(2) All officers and employees of the Department shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act or any rules or regulations made hereunder, to be public servants within the meaning of Law for the time being in force.

Responsibility for Operation of Sewage Treatment Plants (STPs)

26. The Divisional Engineer of the respective Division shall be the overall in-charge for ensuring the proper operation and functionality of the Sewage Treatment Plants (STPs). This responsibility shall include regular monitoring, maintenance and compliance with prescribed standards.

Fees for issue of water quality certificate, no objection certificate etc.,

27. (1) The competent authority may levy such fees or charges for issue of no objection certificate, water quality certificate, or any other certificate regarding sewerage and for connection, dis-connection, re-connection of sewerage or testing or supervision or for any other service rendered or work executed, repaired, maintained or supervised as may be prescribed.

(2) The fees or charges referred to in sub-section (1) shall be such as may be prescribed by rules.

Power to makes rules

28. The State Government may, by notification, make rules for giving effect to any of the provisions of this Act.

Repeal and Saving

29. On and from the commencement of this Act, the Sikkim Sewerage and Sewage Disposal Ordinance 2025 (2 of 2025) is hereby repealed.

Notwithstanding such repeal, any order issued or action taken under the said ordinance shall be deemed to have been validly taken under the corresponding sections of this Act.

SURAJ CHETTRI (SSJS)
L.R.-cum- SECRETARY
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT